

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1788 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

INDULAL MAGANLAL SHETH

Versus

STATE OF GUJARAT

Appearance:

MR MANISH R BHATT for Petitioner
Mr.IM Pandya AGP for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 19/10/2000

ORAL JUDGEMENT

Learned advocate Mr. Bhatt is appearing for the
petitioner and learned AGP Mr. Pandya is appearing for
respondents. In this petition, rule has been issued by

this court on 2.7.1991 and while issuing rule, ad interim relief in terms of para 11(C) has been granted.

In this petition, the petitioner is challenging the orders passed by the competent authority dated 21.9.1989 and the order passed by the urban land tribunal dated 20.2.1991.

Today, when the matter was taken up for final hearing, learned AGP Mr. Pandya has placed on record copy of the letter dated 11th August, 1999 issued by the competent authority and the additional collector, Ahmedabad wherein it has been mentioned that in this matter, the proceedings have been initiated upto section 10(1) of the Urban Land (Ceiling and Regulation) Act, 1976 and no further proceedings have been initiated beyond section 10(1) of the said Act of 1976. It is also made clear in the said letter that the possession of the excess land in question has not been taken over by the State Government and, therefore, necessary steps have to be taken under the provisions of the ULC [Repeal] Act, 1976.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in excess question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. There shall be no order as to costs.

19.10.2000 (H.K. Rathod, J.)

Vyas